IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 8TH MAY 2007 / 18TH VAISAKHA 1929

WP(Crl.).No. 107 of 2007(S)

PETITIONER:

MR.ANIL KUMAR, S/O.GOPALAKRISHNA PILLAI,
AGED 30, RESIDING AT S.S MANDIRAM,
PYLIKKUZHITHADAM, VALAMANUR PO, KOLLAM FROM
PILLAVEETTIL KIZHAKATHIL, POZHIKARA, PARAVUR,
KOLLAM.

BY ADV. SRI.HARISH GOPINATH

RESPONDENTS:
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1. MANU, S/O.PADMA, AGED ABOUT 29,
RESIDING AT R.B SADANAM, VITTAIRA,
NAVAYAKULAM VILLAGE, THIRUVANANTHAPURAM.

2. THE SUB INSPECTOR OF POLICE,
PARIPPALLY POLICE STATION,
PARIPPALLY, KOLLAM.

3. THE SUPERINTENDENT OF POLICE, KOLLAM.

BY ADV. SRI.G.BHAGAVAT SINGH
GOVERNMENT PLEADER SMT.M.R.SREELATHA FOR R2 AND R3

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 08/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.RAMKUKAR &
T.R.RAMACHANDRAN NAIR,JJ.

W.P.(Crl) (Habeas Corpus) No.107 of 2007

Dated this the 8th day of May 2007

JUDGMENT

V.RAMKUKAR,J

This is a petition for habeas corpus filed by the husband of one Sujitha and father of a two year old girl child named Aparna, for release of the said persons from the custody of the first respondent.

2. The learned Government Pleader on instructions submits that consequent on the registration of the case against the first respondent for man missing, the first respondent produced the wife of the petitioner before the Judicial First Class Magistrate Court, Kollam holding charge of the Judicial First Class Magistrate Court, Paravur and the petitioner's wife had told the learned Magistrate that she was not under the wrongful confinement of the first respondent and that she had gone on her own accord and also that she was not restrained by the first respondent. Recording the statement of the woman, she was allowed to go wherever she wanted to go. If so, petition for

habeas corpus is mis-conceived. The petitioner may approach appropriate forum for other remedies including custody of the child.

3. This writ petition is, accordingly closed.

(V.RAMKUMAR, JUDGE)

(T.R.RAMACHANDRAN NAIR, JUDGE)

jsr

V.RAMKUMAR, J.

B.A.No./CRL.M.CNo.

ORDER/JUDGMENT

8TH DAY OF MAY 2007